



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2183

Introduced 10/20/2015, by Sen. Michael E. Hastings

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/Art. 16A heading new  
105 ILCS 5/16A-5 new  
105 ILCS 5/16A-10 new  
105 ILCS 5/16A-15 new  
105 ILCS 5/16A-20 new  
105 ILCS 5/16A-25 new  
105 ILCS 5/16A-30 new  
105 ILCS 5/16A-35 new  
105 ILCS 5/16A-40 new  
105 ILCS 5/16A-45 new

Amends the School Code to include provisions concerning school action and facility master planning that apply to any school district whose school board has voted to approve a school closure after July 1, 2015 (other than the Chicago school district). Sets forth provisions concerning educational facility standards, an educational facility master plan, capital improvement plans, financial transparency, school transition plans, school action public meetings and hearings, and emergencies. Effective immediately.

LRB099 14420 NHT 38518 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Article 16A  
5 as follows:

6 (105 ILCS 5/Art. 16A heading new)

7 ARTICLE 16A. SCHOOL ACTION AND FACILITY MASTER PLANNING

8 (105 ILCS 5/16A-5 new)

9 Sec. 16A-5. Applicability. This Article applies to any  
10 school district whose school board has voted to approve a  
11 school closure after July 1, 2015, other than a school district  
12 organized under Article 34 of this Code.

13 (105 ILCS 5/16A-10 new)

14 Sec. 16A-10. Definitions. In this Article:

15 "Capital improvement plan" means a plan that identifies  
16 capital projects to be started or finished within the  
17 designated period, excluding projects funded by locally raised  
18 capital not exceeding \$10,000.

19 "Community area" means a geographic area of the school  
20 district defined by the superintendent as part of the  
21 development of the educational facilities master plan.

1       "Space utilization" means the percentage achieved by  
2 dividing the school's actual enrollment by its design capacity.

3       "School closing" or "school closure" means the closing of a  
4 school, the effect of which is the assignment and transfer of  
5 all students enrolled at that school to one or more designated  
6 receiving schools.

7       "School consolidation" means the consolidation of 2 or more  
8 schools by closing one or more schools and reassigning the  
9 students to another school.

10       "Phase-out" means the gradual cessation of enrollment in  
11 certain grades each school year until a school closes or is  
12 consolidated with another school.

13       "School action" means any school closing, school  
14 consolidation, co-location, boundary change if the boundary  
15 change forces a student transfer, or phase-out.

16       (105 ILCS 5/16A-15 new)

17       Sec. 16A-15. Educational facility standards.

18       (a) On or before December 31, 2015, a district shall  
19 publish space utilization standards on the district's Internet  
20 website. The standards shall include all of the following:

21           (1) The method by which design capacity is calculated,  
22 including consideration of the requirements of elementary  
23 and secondary programs, shared campuses, after school  
24 programming, the facility needs, grade and age ranges of  
25 the attending students, and the use of school buildings by

1 governmental agencies and community organizations.

2 (2) The method to determine efficient use of a school  
3 building based upon educational program design capacity.

4 (3) The rate of utilization.

5 (4) The standards for overcrowding and  
6 underutilization.

7 (b) The district's superintendent or his or her designee  
8 shall publish a space utilization report for each school  
9 building operated by the district on the district's Internet  
10 website on or before December 31 of each year.

11 (c) The facility performance standards provisions are as  
12 follows:

13 (1) On or before December 31, 2015, the superintendent  
14 shall propose minimum and optimal facility performance  
15 standards for thermal comfort, daylight, acoustics, indoor  
16 air quality, furniture ergonomics for students and staff,  
17 technology, life safety, Americans with Disabilities Act  
18 accessibility, plumbing and washroom access, environmental  
19 hazards, and walkability.

20 (2) The superintendent shall conduct at least one  
21 public hearing and submit the proposed educational  
22 facilities standards to the school board for review and  
23 comment prior to submission to the board.

24 (3) After the superintendent has incorporated the  
25 input and recommendations of the public, the  
26 superintendent shall issue final facility performance

1       standards.

2           (4) The superintendent is authorized to amend the  
3       facility performance standards following the procedures in  
4       this Section.

5           (5) The final educational facility space utilization  
6       and performance standards shall be published on the  
7       district's Internet website.

8           (105 ILCS 5/16A-20 new)

9       Sec. 16A-20. Educational facility master plan.

10       (a) In accordance with the schedule set forth in this  
11       Article, the superintendent or his or her designee shall  
12       prepare a 10-year educational facility master plan every 5  
13       years, with updates 2 and one-half years after the approval of  
14       the initial 10-year plan, with the first such educational  
15       facility master plan to be approved on or before July 1, 2016.

16       (b) The educational facility master plan shall provide  
17       community area level plans and individual school master plans  
18       with options for addressing the facility and space needs for  
19       each facility operated by the district over a 10-year period.

20       (c) The data, information, and analysis that shall inform  
21       the educational facility master plan shall be published on the  
22       district's Internet website and shall include all of the  
23       following:

24           (1) A description of the district's guiding  
25       educational goals and standards.

1           (2) A brief description of the types of instructional  
2           programs and services delivered in each school.

3           (3) A description of the process, procedure, and  
4           timeline for community participation in the development of  
5           the plan.

6           (4) The enrollment capacity of each school and its rate  
7           of utilization.

8           (5) A report on the assessment of individual building  
9           and site conditions.

10          (6) A data table with historical and projected  
11          enrollment data by school by grade.

12          (7) Community analysis, including a study of current  
13          and projected demographics, land usage, transportation  
14          plans, residential housing and commercial development,  
15          private schools, plans for water and sewage service  
16          expansion or redevelopment, and institutions of higher  
17          education.

18          (8) An analysis of the facility needs and requirements  
19          of the district.

20          (9) Identification of potential sources of funding for  
21          the implementation of the educational facility master  
22          plan.

23          (d) On or before January 1, 2017, the superintendent or his  
24          or her designee shall prepare and distribute for comment a  
25          preliminary draft of the educational facility master plan. The  
26          draft plan shall be distributed to the school board, the local

1 collective bargaining unit, and the mayor of any community  
2 within the boundaries of the school district.

3 (e) The superintendent or his or her designee shall publish  
4 a procedure for conducting public hearings and submitting  
5 public comments on the draft plan.

6 (f) After consideration of public input on the draft plan,  
7 the superintendent or his or her designee shall prepare and  
8 publish a report describing the process used to incorporate  
9 public input in the development of the final plan to be  
10 recommended to the board.

11 (g) The superintendent shall present the final plan and  
12 report to the board for final consideration and approval.

13 (h) The final approved educational facility master plan  
14 shall be published on the district's Internet website.

15 (i) No later than January 1, 2020 and every 2 years  
16 thereafter until January 1, 2030, the superintendent or his or  
17 her designee shall prepare and submit for public comment a  
18 draft revised educational facility master plan following the  
19 procedures required for development of the original plan.

20 (j) This proposed revised plan shall reflect the progress  
21 achieved during the first 2 and one-half years of the  
22 educational facility master plan.

23 (105 ILCS 5/16A-25 new)

24 Sec. 16A-25. Capital improvement plans.

25 (a) The district shall develop a capital needs review

1 process and one-year and 5-year capital improvement plans.

2 (b) On or before January 1, 2016, the superintendent or his  
3 or her designee shall establish a capital needs review process  
4 that includes a comprehensive biannual assessment of the  
5 capital needs at each facility owned, leased, or operated by  
6 the district. The review process shall include development of  
7 an assessment form to be used by attendance centers to provide  
8 a school-based capital, maintenance, utility, and repair needs  
9 assessment report and recommendations aligned with the  
10 educational program and goals of the attendance center.

11 (c) Beginning with fiscal year 2018 and for each year  
12 thereafter, the superintendent shall publish a proposed  
13 one-year capital improvement plan at least 60 days prior to the  
14 end of the prior fiscal year. The proposed one-year capital  
15 improvement plan shall be posted on the district's Internet  
16 website and shall be subject to public review and comment and  
17 at least one public hearing. The one-year capital improvement  
18 plan shall include all of the following information for all  
19 capital projects for which funds are to be appropriated:

20 (1) A description of the scope of the project.

21 (2) The justification for the project.

22 (3) The status of the project, including, if  
23 appropriate, the percentage funded, the percentage  
24 complete, and the approved start and end dates.

25 (4) The original approved cost and current approved  
26 cost for each project.

1           (5) The impact of the project on the district's  
2           operating budget.

3           (6) The name of each school and facility affected by a  
4           project.

5           (7) All funding sources for the project.

6           (8) Any relationship of the project to the needs  
7           assessment submitted by the attendance center.

8           (9) Any relationship to the district's 10-year  
9           educational facility master plan.

10          (d) The superintendent shall present a final proposed  
11          one-year capital improvement plan to the school board for  
12          consideration.

13          (e) The board shall adopt a final one-year capital  
14          improvement plan no more than 45 days after adopting the annual  
15          budget.

16          (f) Beginning with fiscal year 2018, the superintendent  
17          shall publish a proposed 5-year capital improvement plan with  
18          the proposed one-year capital improvement plan. The 5-year  
19          capital improvement plan shall include proposed capital  
20          improvements for the next 4 years and, to the extent  
21          practicable, the same information for each proposed project  
22          that is required for the one-year capital improvement plan.

23          (g) The 5-year capital improvement plan shall be assessed  
24          annually. An annual report shall be published explaining the  
25          differences between projected capital projects in the 5-year  
26          capital improvement plan and the capital projects authorized in

1 the proposed one-year capital improvement plan for the  
2 following fiscal year. The 5-year plan shall be published on  
3 the district's Internet website and distributed to all  
4 principals.

5 (105 ILCS 5/16A-30 new)

6 Sec. 16A-30. Financial transparency.

7 (a) The superintendent shall provide the school board with  
8 an annual capital expenditure report within 90 days after the  
9 end of the fiscal year. The report shall be published on the  
10 district's Internet website.

11 (b) The annual capital expenditure report shall include all  
12 of the following:

13 (1) Expenditures on all facilities in which students  
14 enrolled in the district receive instruction for all  
15 capital projects on which funds were expended in that  
16 fiscal year, even if the project was not initiated or  
17 completed in the fiscal year.

18 (2) Identification of capital projects that aligned  
19 with the school-based facility needs assessment and  
20 recommendations of school principals or were the result of  
21 other public input.

22 (3) The levels of appropriation actually provided to  
23 the district for capital projects in the fiscal year by the  
24 local, the State, and the federal government, with a  
25 comparison of the level of such funding against funding

1 levels for the prior 5 years.

2 (4) A summary comparison of annual capital expenses and  
3 the corresponding one-year capital improvement plan.

4 (5) A 5-year budget projection for the district.

5 (c) A list of all property owned by or leased to the board  
6 shall be published on the district's Internet website on or  
7 before January 1, 2016 and shall be updated annually. For each  
8 property listed, the most recent facility standards review and  
9 any capital improvement projects that are pending or planned or  
10 have been completed in the 2-year period prior to publication  
11 shall be outlined.

12 (d) All lease agreements in which the board is a lessor or  
13 lessee shall be published on the district's Internet website  
14 for the duration of the lease. Temporary facility use, right of  
15 entry, and other temporary license agreements not exceeding one  
16 year in duration are not subject to this requirement.

17 (e) The district shall publish on the district's Internet  
18 website a summary of the lease agreements in which the board is  
19 a lessor or lessee, including all of the following:

20 (1) A description of the leasehold.

21 (2) The full legal name of the parties to the  
22 agreement.

23 (3) The term of the agreement.

24 (4) The rent amount.

25 (5) The party responsible for maintenance, capital  
26 improvements, utilities, and other expenses.

1 (105 ILCS 5/16A-35 new)

2 Sec. 16A-35. School transition plan.

3 (a) If the school board approves a school action, the  
4 superintendent or his or her designee shall work  
5 collaboratively with local school educators and the families of  
6 students attending a school that is the subject of a school  
7 action to ensure successful integration of affected students  
8 into new learning environments.

9 (b) The superintendent or his or her designee shall prepare  
10 and implement a school transition plan to support students  
11 attending a school that is the subject of a school action that  
12 accomplishes the goals of this Section. The superintendent must  
13 identify and commit specific resources for implementation of  
14 the school transition plan for a minimum of the full first  
15 school year after the board approves a school action.

16 (c) The school transition plan shall include the following:

17 (1) services to support the academic, social, and  
18 emotional needs of students; supports for students with  
19 disabilities, homeless students, and English learners; and  
20 support to address security and safety issues; and

21 (2) the provision of appropriate transportation where  
22 practicable.

23 (105 ILCS 5/16A-40 new)

24 Sec. 16A-40. School action public meetings and hearings.

1       (a) On or before November 1 of each year of a proposed  
2 school closure, the superintendent shall prepare and publish  
3 guidelines for school actions. The guidelines shall outline the  
4 academic and non-academic criteria for a school action. These  
5 guidelines and each subsequent revision shall be subject to a  
6 public comment period of at least 21 days before their  
7 approval.

8       (b) The superintendent shall announce all proposed school  
9 actions to be taken at the close of the current school year,  
10 consistent with the guidelines, on or before December 1 of each  
11 year.

12       (c) On or before December 1, 2015, the superintendent shall  
13 publish notice of the proposed school actions.

14           (1) Notice of the proposal for a school action shall  
15 include a written statement of the basis for the school  
16 action and an explanation of how the school action meets  
17 the criteria set forth in the guidelines. This proposal  
18 shall include a preliminary school transition plan  
19 identifying the items required in Section 16A-35 of this  
20 Code for all schools affected by the school action.

21           (2) The superintendent or his or her designee shall  
22 provide notice to the principal, staff, and parents or  
23 guardians of any school that is subject to the proposed  
24 school action.

25           (3) The superintendent shall provide written notice of  
26 any proposed school action to the State Senator, State

1 Representative, and the mayor of each community for the  
2 school or schools that are subject to the proposed school  
3 action.

4 (4) The superintendent shall publish notice of  
5 proposed school actions on the district's Internet website  
6 and in a newspaper of general circulation.

7 (5) The superintendent shall provide notice of  
8 proposed school actions at least 30 calendar days in  
9 advance of a public hearing or meeting. The notice shall  
10 state the date, time, and place of the hearing or meeting.  
11 No school board decision regarding a proposed school action  
12 may take place less than 60 days after the announcement of  
13 the proposed school action.

14 (d) The superintendent shall provide opportunities to  
15 elicit public comment at a hearing or meeting on a proposed  
16 school action and shall convene at least one public hearing at  
17 the centrally located office of the board.

18 (e) Public hearings shall be conducted by a qualified  
19 independent hearing officer chosen from a list of independent  
20 hearing officers. The district's general counsel shall compile  
21 and publish a list of independent hearing officers by November  
22 1 of each school year. The independent hearing officer shall  
23 have the following qualifications:

24 (1) he or she must be a licensed attorney eligible to  
25 practice law in this State;

26 (2) he or she must not be an employee of the board; and

1           (3) he or she must not have represented the board, its  
2           employees or any labor organization representing its  
3           employees, or any charter or contract school in any  
4           capacity within the last year.

5           The independent hearing officer shall issue a written  
6           report that summarizes the hearing and determines whether the  
7           superintendent complied with the requirements of this Section  
8           and the guidelines.

9           The superintendent shall publish the report on the  
10          district's Internet website within 5 calendar days after  
11          receiving the report and at least 15 days prior to any board  
12          action being taken.

13          (f) Public meetings shall be conducted by a representative  
14          of the superintendent. A summary of the public meeting shall be  
15          published on the district's Internet website within 5 calendar  
16          days after the meeting.

17          (g) If the superintendent proposes a school action without  
18          following the requirements of this Section, the proposed school  
19          action shall not be approved by the board during the school  
20          year in which the school action was proposed.

21                   (105 ILCS 5/16A-45 new)

22          Sec. 16A-45. Emergencies. Nothing in this Article prevents  
23          the district from taking emergency action to protect the health  
24          and safety of students and staff in an attendance center. In  
25          the event of an emergency that requires the district to close

1 all or part of a school facility, including compliance with a  
2 directive of a duly authorized public safety agency, the  
3 superintendent or his or her designees are authorized to take  
4 all steps necessary to protect the safety of students and  
5 staff, including relocation of the attendance center to another  
6 location or closing the attendance center. In such cases, the  
7 superintendent shall provide written notice of the basis for  
8 the emergency action within 3 days after declaring the  
9 emergency and shall publish the steps that have been taken or  
10 will be taken to address the emergency within 10 days after  
11 declaring the emergency. The notice shall be posted on the  
12 district's Internet website and provided to the principal of  
13 the school that is the subject of the emergency action and the  
14 State Senator, the State Representative, and the mayor of each  
15 community for the school. The notice shall explain why the  
16 district could not comply with this Article.

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.